IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WA.No. 1891 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.30560/2004 Dated 20/06/2007
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APPELLANT: PETITIONER IN WPC

ROSSA @ SOSAMMA, W/O. KANNANAIKKAL
PAILOTH, AGED 81 YEARS, HOUSE NO.867,
WARD NO.IX, NEAR MATHA MARIYAM VALIYA PALLI,
THRISSUR VILLAGE, THRISSUR TALUK.

BY ADV. SRI.A.X.VARGHESE
SRI.A.V.JOJO

RESPONDENTS: RESPONDENTS IN WPC

KALDHAYA SYRIYANI CHURCH, THRISSUR,
THRISSUR TALUK, REPRESENTED BY TRUSTIES.

1. PAUL, S/O. MULAKKAL INASU,
CHELAKKATTUKARA DESOM, CHIYYARAM VILLAGE,
THRISSUR TALUK.

2. JOHNSON, S/O. ARIMBUR MOOPPAN
ANTHAPPAN, CHEMBUKAVU VILLAGE, DESOM,
THRISSUR TALUK.

3. THOMAS, S/O. MAPRANAM ANTHAPPAN,
KURIYACHIRA DESOM, CHIYYARAM VILLAGE,
THRISSUR TALUK.

4. PAUL C.JOSEPH, S/O. CHEERAMBAN JOSEPH,
RESIDENCE AT THRIPPAKULAM LANE,
CHEMBUKAVU VILLAGE, THRISSUR TALUK.

5. IGNETIOUS, S/O. KAIMANGALATHUKKARAN
ANTONY, RESIDENCE AT THRIPPAKULAM LANE,
CHEMBUKAVU VILLAGE, THRISSUR TALUK.

6. JOSEPH JOHNY, S/O. KANKAPPADAN JOSEPH,
CHIYYARAM VILLAGE, THRISSUR TALUK.

7. INASU, S/O. OLLUKKARAN JACOB,
KUNNATHUMKARA DESOM, OLLUKKARA VILLAGE,
THRISSUR TALUK.

8. ANTONY, S/O. CHOVVUKKARAN DEVASSY,
CHERUR DESOM, VILVATTOM VILLAGE, THRISSUR TALUK.

BY ADV.SRI.S.V.BALAKRISHNA IYER.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR, JJ.

Writ Appeal No.1891 of 2007

Dated 13th August, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the judgment dated 20.6.2007 in W.P.(C) No.30560/04. Learned counsel appearing for the respondent at the stage of admission itself raised a ground regarding maintainability. After having heard counsel on both sides, we have no doubt in our mind that the writ appeal is not maintainable. However, taking not of the plight of an aged lady to whom the respondent itself was prepared to show some mercy, we directed the parties to be present. The respondent submitted before this Court that they are prepared to take care of the appellant unto her death in the Centre run by them. It was also submitted that they will provide all necessary amenities to the appellant. However, the appellant submitted that she has a brother living nearby and she may be permitted to stay with the brother, and the respondent may be directed to pay some amount towards her treatment and other expenses. On the suggestion made by the court, the respondent has graciously submitted before us that they are prepared to pay the suggested

amount of Rs.1,500/-(Rupees one thousand and five hundred only) to the appellant before 25th of every month, starting from August, 2007. It is also submitted that the respondent has no objection in the appellant removing any articles kept by her in the house within a week from today. These submissions are recorded. In view of the submissions as above, it is made clear that the appellant or for that matter nobody on her side shall cause any obstruction in the respondent enjoying the property already taken possession of. The writ appeal is hence closed.

KURIAN JOSEPH, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

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KURIAN JOSEPH &

T.R.RAMACHANDRAN NAIR, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 13th August, 2007.